

EDWARD MANGANO
County Executive



JOHN CIAMPOLI
County Attorney

COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY
One West Street
Mineola, New York 11501-4820
516-571-3056
FAX: 516-571-3058

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VIA ECF

Magistrate Judge E. Thomas Boyle
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

**Re: *Richard Powell v. Nassau County et al.*
Index No. CV 12-01613 (ADS)(ETB)**

Dear Judge Boyle:

This office represents County of Nassau, Nassau County Police Commissioner Lawrence Mulvey, Commanding Officer Inspector Christopher Healy, Officer Detective Lieutenant Keechant Sewell, Chief of Detectives Jay Caputo, Lieutenant Charles C. Dunn, Police Officer John A. Wellenreuther, Police Officer Ryan M. Lunt and Police Officer Gary H. Renick (hereinafter collectively referred to as "County Defendants"), in the above referenced matter. At this time the County Defendants are writing to address the "reply" submitted by Plaintiff's counsel.

Plaintiff's "reply" in this matter is improper and as such should be disregarded by the Court. Local civil 37.3(c) clearly states that discovery and non-dispositive pre-trial disputes may be brought to the Court's attention "by letter not exceeding three pages in length outlining the nature of the dispute and attaching relevant materials. Within four days of receiving such a letter, any opposing affected party or non-party witness may submit a responsive letter not exceeding three pages attaching relevant materials. **Except for the letters and attachments authorized herein . . . papers shall not be submitted with respect to a dispute governed by this rule unless the Court has so directed.**" (*emphasis added*)

As Plaintiff's motion was done in the form of a letter motion, no reply is permitted without either Court authorization or at the direction of the Court. Neither of these apply to the matter herein and

Plaintiff's impermissible reply must therefore be disregarded by the Court.

Respectfully submitted,

_____/dcp/_____
Diane C. Petillo
Deputy county Attorney

cc: Andrew Friedman (VIA ECF)